



W.P.(MD)No.14719 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.11.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.14719 of 2025

and

W.M.P(MD)Nos.10965, 10966 and 15662 of 2025

1. M.Rajeswari
2. M.Selvi
3. J.Chitra Devi
4. K.Murugeswari

... Petitioners

Vs.

1. The State of Tamilnadu,
Rep. by Secretary,
Department of School Education,
Secretariat,
Chennai - 9.
2. The Director,
Department of School Education,
College Road,
Chennai.
3. The District Collector,
O/o. the District Collector Office,
Virudhunagar district,
Virudhunagar.



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4. The Chief Educational Officer,
O/o. The Chief Educational Office,
Virudhunagar District.
5. The District Educational Officer (Primary Education),
O/o. The District Educational Office,
Sivakasi,
Virudhunagar District.
6. The Block Educational Officer (Primary Education),
O/o. The Block Educational Officer,
Rajapalayam,
Virudhunagar District.
7. Saraswathi Primary School,
Rep. by its,
The Secretary,
Muthusamipuram village,
Mukavoor,
Rajapalayam Taluk,
Virudhunagar District.
8. S.Anitha
D/o.Sundararaman,
389/4, Kalyana Sundara Vinayagar Kovil Street,
Muthusamiyapuram,
Mugavoor,
Rajapalayam Taluk,
Virudhunagar District.

(R8 is impleaded vide court order dated 07.10.2025 in WMP(MD)No. 19441 of 2025 in WP(MD) No.14719 of 2025 by PTAJ)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the Respondents No. 1 to 6 from closing the Respondent No.7 school and consequently direct them to continue operating the said school by appointment a teacher and provide education to the student of said school by considering the representation made by the petitioner on 15.05.202.

For Petitioner	: Mr.T.Thirumurugan
For R1 to R6	: Mr.T.Amjad Khan Government Advocate
For R7	: Mr.V.Karthik Raja for M/s.Ajmal Associates
For R8	: M/s.G.Prabhu Rajadurai

ORDER

The above writ petition has been filed seeking a mandamus to forbear the respondents 1 to 6 from closing the 7th respondent school and consequently, direct them to continue operating the school by appointing a teacher and providing the students of the said school by considering the representation dated 15.05.2020.

2. It is the case of the petitioners that the petitioners were residing in Mugavur Village, Rajapalayam Taluk, Virudhunagar District. They belong to the most backward class and the scheduled caste and are working as cleaners and wage earners. The 7th respondent school is a Government



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Aided School and is located close to their village. As a result, children can access it quickly and safely, and the children were getting a good education there.

3. It is the further case of the petitioners that they came to learn about the dispute between one Soudararajan and the 8th respondent in relation to the Secretaryship of the school and various proceedings had been initiated in respect of the same. While so, they were informed that the authorities were taking steps to close down the school for this academic year on the ground that due to administrative problems between the two parties, it was difficult to run the school during the academic year.

4. The petitioners would submit that the reasons for closing the above school is on account of the dispute between the two persons. The petitioners would submit that if the school is closed, it would affect the future of the school children. The petitioners would further submit that they do not have the financial support to pay the education fees for their children if they shifted to any other school. That apart, the petitioners would submit that they do not have the facilities to send their children to



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the nearby Government Schools which is situated outside the village.

Therefore, the petitioners had submitted the objections to the 5th respondent on 27.01.2025 requesting that the school be continued.

5. The petitioners had also submitted an objection to the 3rd respondent on 12.08.2024 making the same request. Since there was no follow-up action on their representations, yet another representation dated 15.05.2025 was sent to respondents 1 to 6, wherein they sought to forbear the 7th respondent school from closing it down. Since no action was taken, the petitioners have come forward with the above writ petition.

6. The petitioners claim to be the parents of the students. The counter statement has been filed by the 5th respondent, in which it has been stated that during a field inspection conducted by the 6th respondent on 09.10.2025, the 5th respondent had noticed certain shortcomings and had submitted a report on 09.10.2025. The 5th respondent had stated that during the academic year 2023-2024, out of 11 students, 3 students had left the 7th respondent school and joined another school, and for the academic year 2025-2026, there are only 8 students studying in the 7th



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respondent school. Further, on the basis of the order passed in W.P.(MD)No.1289 of 2011 and batch cases, on account of one Tmt.R.Uma Maheshwari, Secondary Grade Teacher being deputed on 01.07.2024 to the Municipality Primary School, Rajapalayam, and thereafter, transferred to T.A.K.M.R Primary School on deployment on 07.07.2025, there is no permanent teacher in the school, and the administration has engaged a non-TET qualified person to handle the classes.

7. In addition to this, the school building, which is situated in Poramboke land in S.No.446/32, is poorly maintained and unsafe for occupation. The building measures 10 meters in length and 5 meters in width and is covered by an asbestos sheet roof supported on wooden pillars. There is only a single entrance in the school, and the floor level is sunk about two feet below the ground surface. As a result, during the rainy season, there is a strong possibility of water stagnation in the premise.



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8. That apart, the school does not have basic amenities such as drinking water, sanitation, or toilet facilities. A temporary approval had been granted by the 5th respondent on 16.08.2022, subject to the condition that the administration should produce the Building Stability Certificate, NOC (No Objection Certificate) from the Fire Department, and NOC (No Objection Certificate) from the Health and Sanitation Department.

9. The school administration has not produced the documents to date. Therefore, considering the fact that the school lacks adequate students as well as faculty, and also taking note of the poor condition of the building, the continuance of the school would be against the norms prescribed by the competent authority. Therefore, the closure of the 7th respondent school is legally valid.

10. The learned counsel appearing for the petitioner and the 8th respondent would contend that the building in question is not in a dilapidated condition. They would further submit that the 7th respondent is keen on closing down the school and the authorities are in collusion with him.



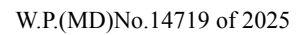
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11. The learned counsel appearing for the 7th respondent, on the other hand, would submit that the school does not have the requisite student strength nor do they have permanent faculty and it is very difficult to run the school.

12. He would further submit that on account of the closure of the school, students are in no way affected and they are going to be admitted to other schools. The only grievance of the petitioner is that these schools are not in their village. He would submit that the order to close the school is very much in keeping with the prevailing conditions..

13. The learned counsel appearing for the 8th respondent has submitted a Building Stability Certificate, which has been issued by a Chartered Engineer and Registered Valuer, who has found that the building is structurally sound, can be used as a private building, and has opined that a license can be granted from 01.10.2025 to 30.09.2027.



15. Heard the learned counsel on either side.

17. W.P(MD)No.1289 of 2011 was filed questioning the cancellation, W.P(MD)No.9873 of 2014 was filed challenging the approval granted to the Secretaryship and Educational Agency granted in



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favour of the Soudararajan. W.P.(MD)No.13354 of 2014 was filed challenging the order passed by the District Elementary Educational Officer calling for documents regarding shifting the petitioner school. The 8th respondent herein had filed W.P.(MD)No.4459 of 2015, challenging the order passed by the 2nd respondent District Elementary Education Officer granting the Secretaryship and Educational Agency to Soundararajan. Ultimately, the learned Judges came to the conclusion that the petitioner S.Subbulakshmi and the 8th respondent herein were against the Soundararajan holding the post of Secretaryship for the educational agency and in this regard several representations had been filed.

18. The dispute however did not come to an end. The parties were relegated to the Civil Court to redress their grievance. In the course of the discussion the learned Judges had opined that the authorities were taking steps to close the school on account of the short fall in the students strength to which Soundarajan had no objections, however, 8th respondent has raised objections as also the parents of the students. To this effect the representation dated 29.01.2024 was lodged before the District Collector, Virudhunagar.



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19. The learned Judges had opined that it is for the authority to consider as to whether the school should be closed. But the Bench had clearly stated that the closure cannot be in the midst of the academic year as it would affect the education of the students and that the parents should give their options to shift their wards to the nearby schools and the authorities were directed to consider the same positively and shift the students to nearby schools of the parents house to over come this order.

20. The learned counsel for the 8th respondent would submit that Form-A, which has been submitted to the Tahsildar enclosing the structural soundness, appears to be a created document since it does not have the details of the amount that has been submitted for giving a NOC (No Objection Certificate) for using the building for a period of three years from 01.10.2025 to 30.09.2027.

21. Heard the learned counsel on either side.



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22. A perusal of the records along with the writ petition would show that the Hon'ble Division Bench of this Court had passed a common order in W.P(MD)No.1289 of 2011 and etc., batch, which were writ petitions filed by the 8th respondent's mother claiming to be the Secretary of the 7th respondent school, challenging the order cancelling her Secretaryship.

23. The learned Judges ultimately concluded that the petitioner S.Subbulakshmi and the 8th respondent herein were against Soundararajan holding the post of Secretaryship for the Educational Agency, and in this regard, several representations had been filed. The dispute, however, did not come to an end, and the parties were relegated to the Civil Court to redress their grievance.

24. The learned Judges had opined that the authorities were taking steps to close the school on account of the shortfall in student strength, to which Soundararajan had no objections, however, the 8th respondent has raised objections, as also the parents of the students. The Hon'ble Division



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Bench had clearly stated that the closure cannot be in the midst of the academic year as it would affect the education of the students and that the parents should give their options to shift their wards to nearby schools, and the authorities were directed to consider the same positively and shift the students to nearby schools of the parents' house to overcome this order.

25. It appears that the petitioners have now been set up to file the present writ petition, and the school has only 8 students, which has not been denied by the respondents. There is also no permanent faculty teacher to take care of the students, as the only teacher has been deputed to some other school. Practically, from the narrations, it appears that the students are not being taught, and there is no competent person to teach the students. The proposal to close down the school also contains the order that the children should be shifted to nearby schools. Therefore, the interest of these children is well protected. The decision to close down the school has also received the stamp of approval of the Hon'ble Division Bench in the judgment cited above.



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26. Therefore, I see no reason what so ever to grant the mandamus as prayed for. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

1. The State of Tamilnadu,
Rep. by Secretary,
Department of School Education,
Secretariat,
Chennai - 9.
2. The Director,
Department of School Education,
College Road,
Chennai.
3. The District Collector,
O/o. the District Collector Office,
Virudhunagar district,
Virudhunagar.



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P.T.ASHA, J.

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